IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL ST.NO.12748 OF 2004

Shankar Pandurang Jadhav & Ors. ...Appellants

Vs.

Vishwanath Moreshwar @ Datta Mahabaleshwarkar ...Respondent

Mr.Tejesh Dande for the Applicant.
Mr.V.A.Shastry for the Respondent

CORAM: A.S.OKA, J.
DATED: JANUARY 14, 2005.

P.C.:

1. I have heard the Counsel appearing for the parties. The Courts below have recorded a concurrent finding of fact that the Defendant No.2 was inducted as a tenant of the Respondent in the suit property and the tenancy has been validly terminated by a notice under Section 106 of Transfer of Property Act, 1882.

2. The case of the Appellants is that though initially the Appellant No.2 was inducted as tenant, later on father of the Respondent agreed to sell the suit property to them by oral agreement. The Appellants could not establish the oral agreement. It is pertinent to note that a plea in the alternative was taken of adverse possession. On the basis of evidence same is also negatived by the Courts below.

There is no perversity in the findings of the Courts below.

3. Second Appeal is dismissed with no order as to costs.

Judge.